



General Assembly

Substitute Bill No. 5150

February Session, 2014



AN ACT CONCERNING FIRE SAFETY ENFORCEMENT OFFICIALS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 29-298 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2014*):

3 (a) The State Fire Marshal and the Codes and Standards Committee,
4 acting jointly, shall adopt minimum standards of qualification for local
5 fire marshals, deputy fire marshals, fire inspectors and such other
6 classes of inspectors and investigators as they deem necessary. For
7 local fire marshals, deputy fire marshals and fire inspectors, such
8 standards shall include a requirement that the person has (1) at least
9 three years' experience (A) in fire suppression or fire prevention
10 activities, (B) in responding and controlling releases or potential
11 releases of hazardous materials, (C) in inspection activities concerning
12 the fire safety or prevention code or hazardous materials, (D) in the
13 investigation of the cause and origin of fires and explosions, or (E) as a
14 sworn member of the Division of State Police within the Department of
15 Emergency Services and Public Protection or an organized local police
16 department, or (2) equivalent experience as determined by the
17 Commissioner of Administrative Services.

18 (b) The State Fire Marshal and the Codes and Standards Committee
19 shall (1) prepare and conduct oral, written or practical examinations to

20 determine if a person is qualified [and eligible] to be certified, or (2)
21 accept successful completion of programs of training developed by
22 [public] agencies or institutions and approved by them as proof of
23 qualification for certification, [eligibility,] or (3) prepare and conduct a
24 training program, the successful completion of which shall qualify a
25 person to be certified. Upon determination of the qualification of a
26 local fire official under subdivision (1), (2) or (3) of this subsection, the
27 State Fire Marshal and the Codes and Standards Committee shall issue
28 or cause to be issued a certificate to such person stating that the person
29 is [eligible to be] certified. The State Fire Marshal and the Codes and
30 Standards Committee shall establish classes of certification that will
31 recognize the varying involvements of such local fire officials. Local
32 fire marshals, deputy fire marshals, fire inspectors and other inspectors
33 or investigators holding office in any municipality shall be certified in
34 accordance with subdivision (1), (2) or (3) of this subsection. On or
35 after October 1, 1979, no local fire marshal, deputy fire marshal, fire
36 inspector or other inspector or investigator shall be appointed or hired
37 unless such person is certified and any such person shall be removed
38 from office if such person fails to maintain certification. The State Fire
39 Marshal and the Codes and Standards Committee shall conduct
40 educational programs designed to assist such local fire officials in
41 carrying out the duties and responsibilities of their office. Such
42 educational programs for local fire marshals, deputy fire marshals and
43 fire inspectors shall be in addition to the programs specified under
44 subdivisions (2) and (3) of this subsection and shall consist of not less
45 than ninety hours of training over a three-year period. The State Fire
46 Marshal and the Codes and Standards Committee shall establish the
47 minimum hours of training for the other classes of inspectors and
48 investigators, which shall recognize the varying involvements of such
49 officials. Each local fire official shall attend such training programs or
50 other approved programs of training and present proof of successful
51 completion to the State Fire Marshal. The State Fire Marshal may, after
52 notice and opportunity for hearing, and with the participation of one
53 or more members of the Fire Marshal Training Council, revoke any
54 certificate issued under the provisions of this subsection for failure on

55 the part of a local fire official to present such proof. Any [appointed]
56 local fire marshal, deputy fire marshal or other inspector or
57 investigator who wishes to retire his or her certificate may apply to the
58 State Fire Marshal and the Codes and Standards Committee to have
59 such certificate retired and be issued a certificate of emeritus. Such
60 retired local fire official may no longer hold himself or herself out as a
61 certified local fire official.

62 [(b)] (c) No local fire marshal, deputy fire marshal, fire inspector or
63 other inspector or investigator acting for a local fire marshal, who is
64 charged with the enforcement of [the Fire Safety Code and] part II of
65 this chapter, may be held personally liable for any damage to persons
66 or property that may result from any action that is required or
67 permitted in the discharge of his official duties while acting for a
68 municipality or fire district. Any legal proceeding brought against any
69 such fire marshal, deputy fire marshal, fire inspector or other inspector
70 or investigator because of any such action shall be defended by such
71 municipality or fire district. No such fire marshal, deputy fire marshal,
72 fire inspector or other inspector or investigator may be held
73 responsible for or charged with the costs of any such legal proceeding.
74 Any officer of a local fire marshal's office, if acting without malice and
75 in good faith, shall be free from all liability for any action or omission
76 in the performance of his official duties.

77 [(c)] (d) Except as provided in this subsection, each certified deputy
78 fire marshal, fire inspector or other inspector or investigator shall act
79 under the direction and supervision of the local fire marshal while
80 enforcing [the Fire Safety Code and] the provisions of part II of this
81 chapter. The local fire marshal may authorize, in writing, such deputy
82 fire marshal or fire inspector to issue any permit or order under the
83 provisions of this part or to certify compliance with the provisions of
84 [the Fire Safety Code] part II of this chapter, on his behalf. If no local
85 fire marshal has been appointed in accordance with the provisions of
86 section 29-297, as amended by this act, the deputy fire marshal or
87 acting fire marshal shall assume the authority granted to the local fire

88 marshal under this section.

89 Sec. 2. Section 29-297 of the general statutes is repealed and the
90 following is substituted in lieu thereof (*Effective October 1, 2014*):

91 (a) The board of fire commissioners or, in the absence of such board,
92 any corresponding authority of each town, city or borough, or, if no
93 such board or corresponding authority exists, the legislative body of
94 each city, the board of selectmen of each town or the warden and
95 burgesses of each borough, or, in the case of an incorporated fire
96 district, the executive authority of such district shall appoint a local fire
97 marshal and such deputy fire marshals and other inspectors or
98 investigators as may be necessary. In making such appointment,
99 preference shall be given to a member of the regular or volunteer fire
100 department of such municipality. Each local fire marshal shall be
101 sworn to the faithful performance of his duties by the clerk of the
102 town, city, borough or fire district and shall continue to serve in that
103 office until removed for cause. Such clerk shall record his acceptance of
104 the position of local fire marshal and shall report the same in writing to
105 the State Fire Marshal within ten days thereafter, giving the name and
106 address of the local fire marshal and stating the limits of the territory
107 in which the local fire marshal is to serve.

108 (b) The board of fire commissioners or, in the absence of such board,
109 any corresponding authority of each town, city or borough or, if no
110 such board or corresponding authority exists, the legislative body of
111 each city, the board of selectmen of each town or the warden and
112 burgesses of each borough or, in the case of an incorporated fire
113 district, the executive authority of such district may, upon the death,
114 disability, dismissal, retirement or revocation of certification of the
115 local fire marshal, and in the absence of an existing deputy fire
116 marshal, appoint a certified deputy fire marshal as the acting fire
117 marshal for a period not to exceed one hundred eighty days.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>October 1, 2014</i>	29-298
Sec. 2	<i>October 1, 2014</i>	29-297

PS *Joint Favorable Subst.*